

### Waiver of Service of Summons

TO: Oshman & Mirisola, LLP

I acknowledge receipt of your request that I waive service of a summons in the action of See Attachment A, which is case number See Attachment A in the United States District Court for the Southern District of New York. I have also received a copy of the complaints in these actions.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

August 7, 2008

Date

Signature

Printed/typed name: John E. Sparling  
of London Fischer LLP }  
for Turner Construction Company and Turner  
Construction-International, LLC}

#### Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant who, after being notified of an action and asked to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or even its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

Effective A/o 12/1/93 in compliance with  
 Federal Rules of Civil Procedure 4

**ATTACHMENT A**

<b><u>PLAINTIFF</u></b>	<b><u>INDEX NUMBER</u></b>	<b><u>COUNSEL</u></b>
ALVES, FERNANDO AND MICHELE	08 CV 3917	OSHMAN
KASPRZAK, PRZEMYSLAW AND BOZENA	08 CV 3919	OSHMAN